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C O N F I D E N T I A L SECTION 01 OF 07 BRASILIA 000757

SENSITIVE
SIPDIS

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TAGS: KCRM NAR PREL BR
SUBJECT: BRAZIL: BILATERAL ACCORDS A KEY COMPONENT IN
COUNTERNARCOTICS APPROACH

Classified By: Acting Deputy Chief of Mission Marie Damour, Reason 1.4
(b) and (d)

¶1. (C) Summary: Brazil's strategy for dealing with the trafficking of illegal drugs has focused in part on creating a robust diplomatic framework in recognition that the "illegal traffic of narcotics represents a grave threat to the health and well-being of populations as well as a problem that affects their political, economic, social, and cultural structures of Brazil and its bilateral partners." As a result, Brazil has signed dozens of bilateral accords focused on achieving more effective cooperation with both regional partners and countries outside the region in the area of countering the trafficking and consumption of illegal narcotics. The agreements evince a flexible approach -- varying lines of authority, use of either structured or ad-hoc frameworks, etc -- and willingness to tackle the broad spectrum of complex issues involved in combating narcotrafficking and transnational crime that could be useful if Washington decided to enhance bilateral or regional cooperation with Brazil on these issues, although it is not clear that the GOB would consider its existing bilateral accords to be a sufficient basis for a similar bilateral arrangement with the United States or for regional cooperation with the United States in the areas where it has agreed to work bilaterally. End summary.

¶2. (U) This cable analyzes a sample of 21 bilateral accords signed by Brazil between 1988 and 2005 (see appendix for a list of the accords). While Post focused primarily on accords signed with countries within South America, we also looked at a small cross section of non-contiguous countries in different regions around the world to identify patterns and compare approaches. A subsequent cable will seek to evaluate the extent to which the provisions of these have been put into effect.

Categorizing the accords

¶3. (U) Brazil has signed bilateral counternarcotics accords

with every country in the region. Of these, Post examined 17 Brazil signed between 1988 and 2005. In addition, Brazil has signed numerous accords on counternarcotics with countries outside the region. For purposes of this cable, Post looked at accords Brazil signed with Lebanon, Mexico, Portugal, and Spain, which represent a cross-section of countries from North and Central America, Europe, and the Middle East with which Brazil maintains good-to-excellent relations. (Note: A list of the accords examined is at para 21. End note.)

¶4. (U) These accords can be divided broadly into three categories areas:

- Cooperation accords to prevent use of and to combat illegal drugs and psychotropic substances;
- Accords that have an explicit or implicit counternarcotics component, but are not exclusively focused on them; and
- Accords to create permanent bilateral joint committees on variety of topics, some of which have been created to coordinate counternarcotics policies and actions.

Category 1: Counternarcotics accords

¶5. (U) In general, these accords tend to contain components found throughout all agreements and almost invariably are motivated by the parties, recognition that the "illegal traffic of narcotics represents a grave threat to the health and well-being of populations as well as a problem that

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affects their political, economic, social, and cultural structures of Brazil and its bilateral partners." The accords with Argentina, Chile, Uruguay, Paraguay, and countries outside the region, such as Spain, Lebanon, and Mexico share much of the same language. In the accords, the parties generally are called to:

- Exchange police and judicial information about persons involved in the production and trafficking of illegal narcotics, as well as illicit activities tied drug trafficking;
- Coordinate strategies for the prevention of use of illegal drugs, for the rehabilitation of addicts, for the control of precursor substances use to produce illegal narcotics, and for the combat of drug trafficking.
- Establish technical and scientific cooperation to identify and intensify measures to detect, control, and eradicate plantations for the production of illegal drugs;
- Exchange information on legislation in the area of illegal narcotics, psychotropic substances, and precursors and chemicals used in the production of illegal drugs;
- Exchange information on imports and exports of precursor chemicals that could be used in the production of illegal drugs

¶6. (U) Other accords have additional levels of specificity. For example, Brazil's 1999 accord with Spain has provisions for exchange of information on rehabilitation programs; exchange of information on transportation, cargo, mail, and other means used to transport illegal drugs, as well as on routes; and exchange of personnel to improve information flow and enhance expertise.

¶7. (U) In most cases, exchanges are to be led by each country's respective foreign relations ministry--in the case of Brazil, the Ministry of External Relations (Itamaraty)--and are conducted on an ad-hoc basis at the request of either of the parties to the accord. In some cases, implementation of the accords are to be carried out by comistas, (see more below) and on a few occasions the comistas, are to be presided by Itamaraty jointly with the National Anti-Drug Secretariat (SENAD), which is run of the Office of the Presidency's Cabinet for Institutional Security (GSI).

¶8. (U) In the case of Argentina, Paraguay, and Uruguay, Brazil has signed amendments to the accords that provide for cooperation between the parties specifically in border regions. Under these amendments, both parties agree to develop coordinated strategies for the prevention of illegal drug use and for rehabilitation of drug users in cities along their shared borders. Implementation of these amendments tends to be delegated to SENAD.

¶9. (U) Some accords, but not all, have provisions requiring information shared under the authority of the accord to be kept confidential according to each country's laws and to only be used for the purposes outlined in the accord.

Category 1: Exceptions in the case of source countries

¶10. (U) Source countries, such as Bolivia and Colombia, tend to break the pattern, and have more detailed agreements that mandate each country's main counternarcotics authority as the principal go-between in the implementation of the accords, instead of each country's foreign ministry. This deviation from the norm in the 1999 accords with both Colombia and Bolivia is justified by the need for direct communications between counterdrug authorities, instead of through the foreign ministries, in order to make

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&cooperation more efficient8. In the case of the Colombia accord, implementation of the accord on the Brazilian side is delegated to the Ministry of Justice and in the case of the accord with Bolivia to both the Ministry of Justice and SENAD. The accords with Colombia and Bolivia also include a more extensive set of areas in which the two countries pledge to work together. Both in the case of Colombia and Bolivia, the countries pledge to share information on where precursors are grown, to jointly establish lists of precursors and chemicals substances, and to put into place a more extensive and rigorous system of controls on the legal and illegal movement of these precursors across their borders. Some of these provisions include:

- Both parties will cooperate to ensure the control and oversight of commercial, customs, and distribution operations of precursors and chemical substances included in the list of substances and will share information on operations suspected of involvement in illegal use of such substances;
- Both parties will ensure that all import, export, re-exportation, transit, and distribution of precursors will have all relevant documentation;
- In the case of suspected illicit activity, both parties will share information on the type of precursor or chemical substance, name, address, telephone and fax, and clients of the vendor of the substances; will share information on routes vendors reported they will use; statistical data related to the supply and demand of precursors and chemical substances in each country;
- Requires the central authority in each country, upon being provided with a request based on credible information from the other party, to investigate either recipient of the precursors or chemical substances;
- The central authority of one of the parties can request from the other party information on the individuals or organizations that carry out the sale, importation, exportation, re-exportation, distribution, transportation or storage in order to initiate investigations.

Category 2: Accords related to, but not exclusively drug-focused

¶11. (U) Brazil has also signed more general accords that impact Brazil's ability to effectively counter the

trafficking of illegal drugs, although these are not exclusively drug-focused.

TRANSNATIONAL CRIME

¶12. (U) For example, a type of accord that Brazil has signed, although infrequently, is police cooperation accords focused on transnational criminal activity. In 2005, Brazil and Colombia agreed to one, although it has yet to be ratified in Brazil. The agreement recognizes the threats to regional stability and security posed by drug and arms trafficking and money laundering and the relevance of law enforcement cooperation to maintain internal security and effectively combat organized transnational criminal activity. The agreement calls for cooperation in the following areas:

- Drug trafficking;
- Arms trafficking;
- Trafficking in persons;
- Child sexual exploitation;
- Environment crimes;
- Money laundering;
- Contraband;
- Counterfeiting
- Intellectual property
- Cybercrimes

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¶13. (U) Under the accord, the parties agree to share intelligence information related to the crimes outlined above, share database information, and undertake joint operations. In addition, the accord calls for cooperation and sharing of experiences⁸ in the area of public security, particularly in the areas of community policing, security at sporting events, protection of visiting dignitaries, kidnapping prevention, public order, and protection of civil and human rights, among others. The agreement also calls for the creation of Bilateral Working Group on Police Matters (GTBP) to be run on the Brazilian side by the Ministry of Justice and the Brazilian Federal Police (DPF) that will meet annually, or more frequently on an extraordinary basis, and will develop a joint action plan to implement the accord. Finally, the accord calls for the police chiefs of the border areas to meet at least every two months for the purpose of evaluating the progress of the accord and making any necessary adjustments to its implementation.

CONTROL OF AIRSPACE

¶14. (U) Brazil has signed accords related to the control and combat the transit of aircraft involved in illicit activity with several countries, including Argentina, Colombia, Paraguay, and Uruguay. These types of accords generally call for the combating of the transit of irregular aircraft through the parties, territory, implementation of an information exchange system, technical and operational training, and regular evaluations of the efficiency of the programs.

Category 3: Comista,, or joint permanent committee

¶15. (U) The third category of accords Brazil has signed involve the establishment of joint permanent committees or 'comistas,. Brazil has signed agreements to create these bodies with about 40 countries, including most, but not all, South American countries, and with countries in every region of the world, to include Canada, South Korea, China, Iran, Egypt, France, India, Japan, Nigeria. Brazil has sometimes signed accords to establish a single comista, focused on multiple themes, with various subcomistas established to deal with more specific subjects. For example, the Bolivian comista, has a subcommittee on counternarcotics issues.

Brazil has also created single-issue comistas,. For example, the counternarcotics accords Brazil signed with Mexico, Paraguay, Spain, Venezuela, Peru all provide for the creation of a comista, focused exclusively on counternarcotics.

¶16. (U) These single-issue comistas, are generally established to implement the bilateral counternarcotics accords, and are empowered to come up with recommendations of measures to implement the accords, as well as evaluate the effectiveness of the measures undertaking by each country to implement the accords. They are also, for the most part, presided by the ministries of foreign relations of each country and are supposed to meet at least once a year, alternating hosting duties. They can also meet more frequently on an extraordinary basis, but not without at least two months notice. Some comistas, can also establish &working groups⁸ and others can establish &subcommittees⁸ that can meet more frequently and focus on specific areas. The Brazil-Paraguayan comista,, uniquely, can create either or both sub-mechanisms.

¶17. (U) There are exceptions to the rule that comistas, are presided by the respective foreign ministries. The

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Brazil-Mexico comista', on the Brazilian side is hosted jointly by Itamaraty with the Brazilian Federal Police; and both the Brazil-Peru and Brazil-Spain comistas, are presided on the Brazilian side by both Itamaraty and SENAD.

Comment:

¶18. (C) Itamaraty has a robust multi-layered diplomatic framework that enables Brazil to work bilaterally with countries both in the region and outside of it. Although it is hard to gage how effective these accords are at enhancing the effectiveness of counternarcotics cooperation, at a minimum the accords serve to establish counternarcotics cooperation as an important and priority goal for both countries. As seen by the variations found within the accords, Brazil also has shown that it is willing and capable of maintaining a flexible approach that adapts itself to the circumstances each country presents. Itamaraty has ceded the leading role to other agencies in some cases, such as with Bolivia and Colombia, and has shared the lead in others with the Presidency through SENAD. Although the existence of such arrangements could be exploited as a means of moving forward with a bilateral accord, it is not clear why they were made or that the GOB would consider them as the basis for a similar bilateral arrangement with the United States.

¶19. (C) With regard to South American regional initiatives, these bilateral accords suggest the scope of activities that might be broadly acceptable within the region. However, three notes of caution: first, it is important to note that GOB officials are often unwilling to cooperate in broader fora on matters that they consider to be of strictly bilateral interest (e.g., border controls). Second, by defining problems narrowly, policymakers often reject potential areas for cooperation as not being of legitimate interest to other countries. For example, Brazilian policymakers tend to minimize the legitimacy of U.S. interest in drug trafficking through Brazil by noting that the drugs are destined for Europe and Africa. Third, senior GOB officials tend to address drug trafficking in a reactive manner, rather than with a goal of putting a halt to emerging trends. They have rebuffed some proposals to cooperate in targeting drug traffickers by dismissing the regionalization of criminal gangs and questioning evidence suggesting the spread of Mexican and Colombian drug cartels into other South American countries.

¶20. (C) Finally, Itamaraty does not enter into agreements

with the United States without considering their broader significance for the bilateral relationship, for Brazil's leadership in the region, and for Brazil's global standing. The GOB has been most willing to engage with us in areas that appear to confirm Brazilian equality with the United States (e.g., in trilateral cooperation), while resisting cooperation with us in areas where the United States will be, or will be seen to be, the dominant partner. Within that framework, Brazil has been willing to cooperate with us in global fora and in joint activities with extra-regional developing countries, but has steadfastly resisted cooperating with the United States within South America or in South American regional fora. End comment.

¶21. (U) Begin appendix: Below is the list of bilateral accords examined for this cable.

Argentina:

-- 1993 Accord on cooperation to prevent the use of and to combat the illicit trafficking of narcotics and psychotropic substances (in effect in 1995);
-- 2002 Accord on cooperation to combat the transit of

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aircraft possible involved international illicit activity (in effect in 2006)

-- 2005 Exchange of notes to amendment to 1993 to establish cooperation in the area of reducing demand for illegal drugs in border cities (in effect in 2005)

Bolivia:

-- 1988 exchange of notes to establish a joint permanent committee to coordinate bilateral relations (in effect in 1988)
-- 1999 Accord on cooperation to impede the illegal use of precursors and chemical substances used in the production of illegal drugs and psychotropic substances and psychotropic substances (in effect in 2004)

Chile:

-- 1990 Accord on cooperation to prevent the use of and to combat the illicit trafficking of narcotics and psychotropic substances (in effect in 1992)

Colombia:

-- 1997 Accord on cooperation to impede the illegal use of precursors and chemical substances used in the production of illegal drugs and psychotropic substances and psychotropic substances (in effect in 1999)
-- 1997 Accord on cooperation to combat the transit of aircraft possible involved international illicit activity (in effect in 2006)
-- 2005 Accord on Police Cooperation (not ratified)

Peru:

-- 1999 Accord on cooperation to prevent the use of and to combat the illicit trafficking of narcotics and psychotropic substances (in effect in 2002)

Uruguay:

-- 1991 Accord on cooperation to prevent the use of and to combat the illicit trafficking of narcotics and psychotropic substances (ratified in 1995)
-- 2002 Exchange of notes to amendment to 1993 to establish cooperation in the area of reducing demand for illegal drugs in border cities
-- 2002 Accord on cooperation to combat the transit of aircraft possible involved international illicit activity (ratified in 2008)

Venezuela:

-- 1997 Accord on cooperation to prevent, control, and combat the illegal consumption and trafficking of narcotics and psychotropic substances (in effect in 1990)

Paraguay:

-- 1988 Accord on cooperation to prevent the use of and to combat the illicit trafficking of narcotics and psychotropic substances (in effect in 1992);
-- 2000 Accord on cooperation to combat the transit of aircraft possibly involved international illicit activity (in effect in 2002)
-- 2002 Exchange of notes to amendment to 1993 to establish cooperation in the area of reducing demand for illegal drugs in border cities (in effect in 2002)

Lebanon:

-- 2003 Accord on cooperation to combat the production, consumption and trafficking of illegal narcotics and psychotropic substances and to combat money laundering and other fraudulent financial transactions (not ratified)

Mexico:

-- 1996 Accord on cooperation to combat narcotrafficking and drug-dependency (ratified in 1997)

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Portugal:

-- 1991 Accord on cooperation to prevent the use of and to combat the illicit trafficking of narcotics and psychotropic substances (ratified in 1995)

Spain:

-- 1999 Accord on the control of illicit trafficking and the prevention of the consumption of narcotics and psychotropic substances (ratified in 2004)

End appendix.

SOBEL